

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**BAZI HAMZA BANA,**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,**

**Defendant.**

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**Case No. 3:08-0207  
Judge Echols**

**ORDER**

Plaintiff, *pro se*, brought this lawsuit seeking the Court's assistance in expediting his petition for naturalization as a United States citizen. In a Report and Recommendation ("R & R") (Docket Entry No. 12), the Magistrate Judge recommends granting the Defendant's Motion to Dismiss under Fed. R. Civ. P. 12(h)(3) (Docket Entry No. 7) because there is no live controversy before the Court inasmuch as the Plaintiff's Application for Naturalization has been approved and Plaintiff was scheduled to attend a naturalization ceremony on April 25, 2008. On the same day the R & R was entered, the Government filed a "Motion to Dismiss [sic] Pursuant to Rule 41(b)" (Docket Entry No. 11) in which it argues, as an alternative to its earlier motion, the case should be dismissed because Plaintiff did not respond to the Magistrate Judge's "Order to Show Cause" (Docket Entry No. 9) which required Plaintiff to show cause why the case should not be dismissed for lack of a live controversy.

In reviewing an R&R, the Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); Fed.R.Civ.P. 72(b). Having carefully reviewed the entire record in this case, the Court finds that no error of fact or law appears in the R&R.

Accordingly,

(1) the R&R of the Magistrate Judge (Docket Entry No. 12) is hereby ACCEPTED;

(2) Defendant's Motion to Dismiss under Fed. R. Civ. P. 12(h)(3) (Docket Entry No. 7) is hereby GRANTED;

(3) Defendant's "Motion to Dismissed [sic] Pursuant to Rule 41(b)" (Docket Entry No. 11) is hereby DENIED AS MOOT; and

(4) This case is hereby DISMISSED WITH PREJUDICE.

Entry of this Order on the docket shall constitute entry of a final judgment in accordance with Federal Rules of Civil Procedure 58 and 79(a).

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS  
UNITED STATES DISTRICT JUDGE